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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,202	03/31/2004	Ajay Pratap Singh Kushwah	LEGAP024	7502

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EXAMINER
ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/816,202	KUSHWAH ET AL.
	Examiner	Art Unit
	Belix M. Ortiz	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8 and 10-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8, 10-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on 10-January-2007, Claim 9 is cancelled and

claims 1-3, 5-8, 10-13, and 19-21 are amended per applicant's request. Therefore, claims 1-21

are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 10-21 are rejected under 35 U.S.C. 102(e) (Eff. Filing date of

application: 3/31/2004)as being anticipated by <u>Prahlad et al</u>. (U.S. Pub. 2005/0187992) (Eff.

Filing date of provisional application: 11/13/2003)

As to claims 1 and 21, <u>Prahlad et al</u>. teaches a method for identifying a file system

element for restoration (see abstract) comprising:

receiving a request to restore a file system element (see paragraphs 18 and 56);

determining an offset indicating where a record associated with the file system element is located within a collection of records, wherein the record includes metadata related to stored data to be used to restore the file system element (see figure 4 and paragraphs 14, 41, 50, and 56); and

using the determines offset to retrieve the record from the collection of records (see fig. 4; and paragraphs 14, 36, and 60).

As to claim 2, <u>Prahlad et al</u>. teaches the method further comprising determining the type of file system element being restored (see paragraphs 14, 16-17, and 26).

As to claim 3, <u>Prahlad et al</u>. teaches wherein a most significant bit indicates the type of file system element being restored (see paragraphs 14-16).

As to claim 4, <u>Prahlad et al</u>. teaches wherein the most significant bit is stored in a table (see paragraph 15).

As to claim 5-8, 15-16, <u>Prahlad et al</u>. teaches wherein one type of file system element is a file, a file metadata file, a directory, a directory metadata file (see figure 4 and paragraph 14)

As to claim 10, <u>Prahlad et al</u>. teaches wherein the metadata includes administrative information (see paragraph 41).

As to claim 11, <u>Prahlad et al.</u> teaches wherein the metadata includes permissions (see paragraph 41).

As to claim 12, <u>Prahlad et al.</u> teaches wherein the metadata includes a value that uniquely identifies the file system element associated with the file system element (see paragraph 41).

As to claim 13, <u>Prahlad et al.</u> teaches wherein the record id a first recode and determining an offset includes retrieving a second record associated with the file system element being restored the includes the offset of the first record (see abstract and paragraphs 41 and 56).

As to claim 14, <u>Prahlad et al.</u> teaches wherein the offset is stored in a table (see paragraph 15 and figure 4).

As to claim 17, <u>Prahlad et al.</u> teaches the method further comprising determining a second offset of a second record associated with the record (see figure 4 and paragraphs 14 and 50).

As to claim 18, <u>Prahlad et al.</u> teaches wherein the association of the record with the file system element occurs via an inode (see figure 4, character 356).

As to claim 19, <u>Prahlad et al.</u> teaches wherein the association of the record with the file system element occurs via a value that uniquely identifies the file system element (see figure 4).

As to claim 20, <u>Prahlad et al</u>. teaches a system for identifying a file system element for

restoration comprising:

a processor configured to:

receiving a request to restore a file system element (see paragraphs 18 and 56);

determining an offset indicating where a record associated with the file system element is

located within a collection of records, wherein the record includes metadata related to stored data

to be used to restore the file system element(see figure 4 and paragraphs 14, 41, 50, and 56); and

use the determined offset to retrieve the record from the collection of records (see fig. 4

and paragraphs 14, 36, and 60); and

a memory coupled to the processor, wherein the memory provides instructions (see

paragraph 43).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The
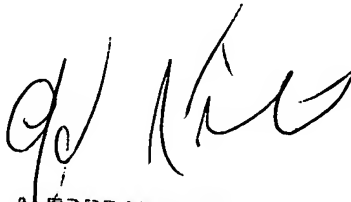
examiner can normally be reached on moday-friday 9am-5pm.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

March 28, 2007

ALFORD KINDRED
PRIMARY EXAMINER